

**REMARKS**

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1, 5, 6, 41, and 42 are pending in this application. Claims 1, 5, 41, and 42 are amended and claims 2-4 and 7-40 were previously cancelled. Claims 1 and 42 are the independent claims.

**Allowable Subject Matter**

The Applicant gratefully acknowledges the indication by the Examiner that claim 42 would be allowable if rewritten in independent form including all of the limitations of the base claim and intervening claims. In accordance with the Examiner's indication, claim 42 has been rewritten in independent form to include all of the limitations of the base claim and intervening claims. This amendment is made solely to expedite prosecution, and does not represent acquiescence by the Applicant to any rejections.

**Obviousness-Type Double Patenting Rejection**

Claims 1, 5, 6, and 41 have been provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-5, 7-19, 21-25, and 35-61 of copending U.S. Patent Application No. 10/645,566.

The Applicant respectfully states that this rejection is provisional. The claims in either application may be amended in the future and render this rejection moot. Therefore, the Applicant does not respond to this rejection at this time.

**Claim Rejections – 35 U.S.C. §103(a)**

Claims 1, 5, 6, and 41 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Watanabe (U.S. Patent Application Publication 2004/0156294) in view of Senshu (U.S. patent Application Publication 2002/0060968). This rejection is respectfully traversed.

Claims 1, 5, and 41 have been amended. Support for the changes to claims 1, 5, and 41 can be found throughout the specification. In rejecting claim 1, the Examiner seems to have equated bar code area (11) of the Watanabe system to the burst cutting area of the presently claimed invention. The bar code area (11) of the Watanabe system includes information of recording copyright protection information or a serial number. In this regard, the Senshu system is similar in nature. In the Senshu system, the burst cutting area (2) includes an ID number and other identification information and an encryption key. In marked contrast, the burst cutting area of the presently claimed invention includes “disc information regarding a recording capacity of said high-density recording medium” as recited in claim 1. Since, neither of the cited references, taken alone or in combination, teach all the limitations of the claimed invention, the Applicant asserts that a *prima facie* case of obviousness has not been established, and that claim 1 is allowable.

In addition, the Examiner has correctly noted that the Watanabe publication fails to teach a burst cutting area including a plurality of data units, where each data unit is composed of 16 information data bytes and 16 parity data bytes and the disk information is included in 16 information data bytes of at least one data unit. Then, to overcome the deficiency in failing to teach this feature, the Examiner has relied on the secondary reference as follows:

However in the same field of endeavor, Senshu discloses where each data unit consists of data of 4 row and an information of 4 bytes, and parity of 4 rows and a carrier field of 4 bytes (ECC rows are equivalent to parity rows.)

Therefore, it would have been obvious to one of ordinary skill in the art to modify the recording medium of Watanabe with the data format of Senshu.

The Applicant respectfully disagrees. As shown in FIG. 2 of the Senshu publication, the burst cutting area (2) of the Senshu publication includes 20 ~240 information data bytes and 20 ECC data bytes. (It is well known in the art that the sync byte, SB, and resync byte, RS, should be included in counting the total data bytes.) In contrast, the burst cutting area recited in claim 1 includes a plurality of data units, where each data unit is composed of 16 information data bytes and 16 parity data bytes. As such, the information and parity data formats recited in claim 1 are different from the information and ECC data formats of the Senshu system. Since, neither of the cited references, taken alone or in combination, teach all the limitations of the claimed invention, Applicant asserts that a *prima facie* case of obviousness has not been established, and that claim 1 is allowable.

In light of the foregoing, the Applicant respectfully requests withdrawal of the rejection of claim 1

Dependent claims 5, 6 and 41 depend cognately from independent claim 1, and add features which further distinguish the present invention from the prior art. Based on at least the distinctions identified above, the dependent claims 5, 6 and 41 are also allowable over the prior art and a separate discussion of the dependent claims will not be belabored for the sake of brevity.

For example, claim 5 recites the disc information is repeatedly included in each data unit. The bar code area of the Watanabe and the burst cutting area of the Senshu system respectively include bar code for recording copyright protection information and ID number of the recording medium. As such, it is not clear why a skilled artisan would repeatedly store bar code and ID

number information in the Watanabe and Senshu systems, making the asserted repetition redundant.

**CONCLUSION**

In view of the above remarks and amendments, the Applicant respectfully submits that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.


Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By

  
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